

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
FRANK BIELE,

Plaintiff,

- against -

AT&T PENSION PLAN et al.,

Defendants.
-----X

VICTOR MARRERO, United States District Judge.

:
: 07 Civ. 00588 (VM)

: CONDITIONAL

: ORDER OF DISCONTINUANCE

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The Clerk of Court, having notified the Court, by Report dated November 2, 2007, a copy of which is attached, that the Mediator in the Court Ordered Mediation in this case had notified the Clerk of Court that the parties have reached an agreement in principle to settle this action without further litigation, it is hereby

ORDERED, that this action be conditionally discontinued without prejudice and without costs; provided, however, that within thirty (30) days of the date of this Order, the parties may submit to the Court their own Stipulation of Dismissal for the Court to So Order. Otherwise, within such time counsel for plaintiff may apply by letter for restoration of the action to the active calendar of this Court in the event by the deadline indicated the settlement is not consummated. Upon such notification, the defendant shall continue to be subject to the Court's jurisdiction, the Court shall promptly reinstate the action to its active docket and the parties shall be directed to appear before the Court, without the necessity

of additional process, on a date within thirty days of the plaintiff's application for reinstatement, to schedule remaining pre-trial proceedings and/or dispositive motions, as appropriate. This Order shall be deemed a final discontinuance of the action with prejudice in the event plaintiff has not requested restoration of the case to the active calendar within such period of time.

Any further conferences with the Court schedule in this action are cancelled.

The Clerk of Court is directed to close this case.

SO ORDERED.

Dated: NEW YORK, NEW YORK
5 November 2007

A handwritten signature in black ink, appearing to read 'Victor Marrero', is written over a horizontal line.

Victor Marrero
U.S.D.J.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FRANK BIELE etc., et al.

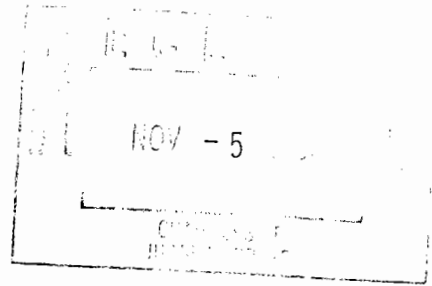
Plaintiff
-against-

AT&T PENSION PLAN et al.

Defendant

Report of the Clerk of Court
Regarding Court Ordered Mediation

07 Civ. 588 (VM)



To the Court:

Please take notice that:

- ___ 1. This case was randomly selected not to be sent to mediation and the Court should proceed accordingly.
- X 2. This case was selected to be sent to mediation. The report of the Mediator is attached. The Mediator has checked:
 - X Paragraph 1, 2, 3, or 6 and the Court must make the appropriate order.
 - ___ Paragraph 4 or 5 and unresolved issues should be treated as if they had not been sent to mediation.
 - ___ Paragraph 7 which indicates that a party(ies) so noted has failed or refused to comply with the order of this Court which directed that mediation be held in this case.

Dated: November 2, 2007


George O'Malley, Esq.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FRANK BIELE etc., et al.

Plaintiff

-against-

AT&T PENSION PLAN et al.

Defendant

Report of Mediator

07 Civ. 588 (VM)

To the Clerk of Court:

Please take notice that the court ordered mediation in this case was:

- ✓
— 1. Held and produced a stipulation settling all of the issues of the case.
- 2. Held and produced a stipulation settling less than all of the issues of the case. The parties by stipulation have agreed to submit the unresolved issues to binding arbitration.
- 3. Held and produced a stipulation submitting all issues to binding arbitration.
- 4. Held and produced a stipulation settling less than all of the issues of the case. The unresolved issues should be treated as if they had not been sent to mediation.
- 5. Held but was unsuccessful in resolving any issue in the case. The unresolved issues should be treated as if they had not been sent to mediation.
- 6. Not held as a stipulation settling all the issues of the case was entered into prior to the mediation date.
- 7. Not held as a party(ies) failed or refused to attend the mediation. Cite party(ies).

Any stipulation entered into between the parties is attached and made part of this report.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FRANK BIELLO,

Plaintiff

07 cv 588 (VM) ()

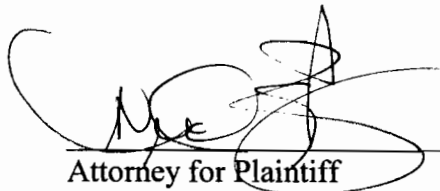
v.

ATTENTION PLAN et al.,

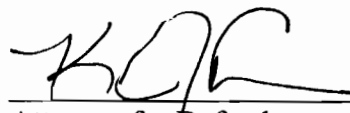
Defendant S

FOLLOWING MEDIATION THE PARTIES HAVE REACHED A SETTLEMENT
AGREEMENT AND WILL FILE APPROPRIATE PAPERS.

11/1/07
Date


Attorney for Plaintiff

11/1/07
Date


Attorney for Defendant